



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Action Date: September 16, 2021

To: Humboldt County Zoning Administrator

From: John H. Ford, Director of Planning and Building Department

Subject: **Friesen Accessory Dwelling Unit Special Permit**
Application Number PLN-2021-17159
Assessor's Parcel Numbers (APN) 200-221-002 and 200-021-013
SE ¼, NW ¼, Section 27, Township 03 North, Range 01 West, Humboldt B&M

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Please contact Logan Shine, Contract Planner, at 707-671-6844 or by email at Logan@landlogistics.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 16, 2021	Subject Friesen Accessory Dwelling Unit Special Permit	Contact Logan Shine, Contract Planner
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Project Description: Special permit application to construct a new residence on APN 200-221-002, a vacant forty-acre parcel, to be considered an accessory dwelling unit to the existing residence on an adjacent parcel. The project parcel is legally connected with APN 200-021-013, which is already developed with a single-family residence. This Special Permit will be for the building of an accessory 2,808 square foot single-family residence, and the development of a new septic system. Water will be provided by a proposed on-site well. Power is to be provided by PG&E. Grading is expected less than 50 cubic yards and no tree removal is proposed.

Project Location: The project is located in Humboldt County, in the Fortuna area, on the West side of Palmer Boulevard, approximately 0.3 miles from intersection of Sherman Way and Palmer Boulevard, on the property known to be in the SE ¼, NW ¼, Section 27, Township 03 North, Range 01 West, Humboldt Base & Meridian.

Present Plan Land Use Designation: Agriculture General (AG), Fortuna Area Community Plan, 2017 County General Plan. Density: 20 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2), High Instability (3).

Present Zoning: Agriculture General (AG), Timberland Production (TPZ)

Assessor Parcel Numbers: 200-221-002 and 200-021-013

Record Number: PLN-2021-17159

Applicant

Nick Downey
P.O. Box 701
Fortuna, CA 95540

Owners

Leavitt Phillip E Tr & Leavitt Nathan S L
1295 Palmer Blvd.
Fortuna, CA 95540

Agent

N/A

Environmental Review: Project is exempt from environmental review per Section 15303(a) – New Construction or Conversion of Small Structures, of the CEQA Guidelines.

Major Issues: none.

State Appeal Status: Project is not appealable to the California Coastal Commission.

Friesen Accessory Dwelling Unit Special Permit

Record Number: PLN-2021-17159

Assessor's Parcel Numbers: 200-221-002 and 200-021-013

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Sections 15303(a) of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit, based on evidence in the staff report, and adopt the Resolution approving the Friesen project subject to the recommended conditions.

Executive Summary: Special permit application to construct a new residence on APN 200-221-002, a vacant forty-acre parcel, to be considered an accessory dwelling unit to the existing residence on an adjacent parcel. The project parcel is legally connected with APN 200-021-013, which is already developed with a single-family residence. This Special Permit will be for the building of an accessory 2,808 square foot single-family residence, and the development of a new septic system. Water will be provided by a proposed on-site well. Power is to be provided by PG&E. Grading is expected less than 50 cubic yards and no tree removal is proposed.

RECCOMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Special Permit.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-2021-17159
Assessor's Parcel Numbers: 200-221-002 and 200-021-013**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Friesen Special Permit.

WHEREAS, Nick Downey submitted an application and evidence in support of approving a Special Permit for the construction of an accessory 2,808 single-family residence, and the development of a new septic system on a 40-acre parcel in the Fortuna area (APN 200-221-002) adjacent to a residentially developed parcel; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is categorically exempt from environmental review pursuant to Section 15303 (a) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator reviewed, considered, and discussed the application for a Special Permit on September 16 , 2021.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING: **Project Description:** The application is a Special Permit for the construction of an accessory 2,808 square foot single-family residence, and the development of a new septic system on a 40-acre parcel adjacent to a residentially developed parcel.

EVIDENCE: a) Project File: PLN-2021-17159

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) Project is exempt from environmental review per Section 15303(a) – New Construction or Conversion of Small Structures, of the CEQA Guidelines

FINDINGS FOR THE SPECIAL PERMIT

3. FINDING The proposed development is in conformance with the County General Plan.

EVIDENCE a) The proposed development is consistent with the Agriculture General (AG) zoning designation. The AG designation provides for single-family and accessory dwelling units. This proposed project parcel is not currently developed but is legally attached to a residentially developed parcel. The proposed development will increase the amount of single-family housing in the area. Therefore, the project is in conformance with the County General Plan.

b) The right to construct a residence under a ministerial permitting process

subject to County standard consistent with other Elements of the General Plan when the use does not detract from the growing and harvesting of timber and associated compatible uses in conformance with the Land Use Element (FR-P9).

- 4. FINDING** The proposed development is consistent with Fortuna Area Community Plan (FACP)
- EVIDENCE**
- a) The land use designation for the parcel within the FACP conforms with the General Plan land use designation (AG-S2).
 - b) FACP Section 2723 Agriculture General is consistent with the Housing Element (H-P29) and Land Use Element (AG-P14) of the General Plan. New housing shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element. The proposed development will not detract from compatible uses on the site.
- 5. FINDING** The proposed development is consistent with the purposes of the existing Agriculture General (AG), and Timber Production Zone (TPZ) combining zones in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.
- EVIDENCE**
- a) The proposed development of a 2,808 square foot single-family residence, and the development of a new septic system, is a principally permitted use in the AG zone (HCC 314-7.2, 314-7.4).
 - b) A condition of approval has been included to address the inadvertent discovery of cultural resources during construction of the proposed development.
 - c) The proposed development is consistent with the maximum density requirements, one dwelling unit per lawfully created lot, of the AG zone (HCC 314-7.2). The proposed development is consistent with the minimum required development standards of the AG zone, including density, lot coverage, property line setbacks, and residential parking availability.
- 6. FINDING** The construction of a permitted single-family residence will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE**
- a) The subject parcel is not currently developed, and the proposed development will be consistent with the surrounding existing development and land uses. Residential housing will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel's General Plan land use designation (AG) and zoning (TPZ) allow residential use. The project will not negatively impact compliance with Housing Element law. The project will not impact available housing in the Fortuna area and will comply with the density range of the AG land use designation of 40-acres per unit with a maximum ground coverage of two acres for principal and accessory structures. The proposed development is consistent with the Fortuna Area Community Plan and General Plan (Housing Element Chapter 1.5).

DECISION

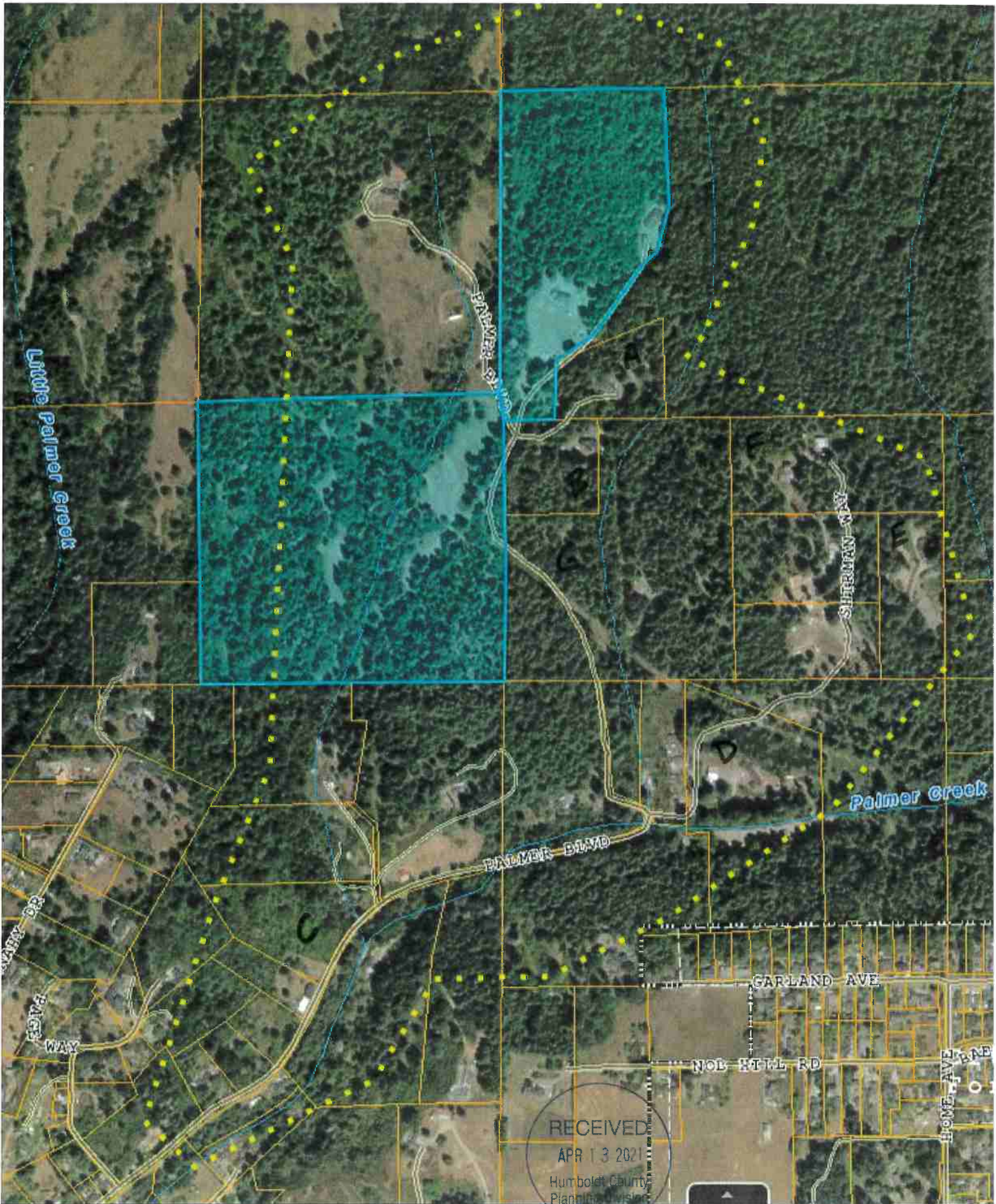
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Friesen Special Permit, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on September 16, 2021

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator
Planning and Building Department



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE SPECIAL PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this fee to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
7. Per referral comment received from the Fortuna FPD on 04/19/2021: Provide a turnout along the new gravel driveway for emergency vehicle access.

Informational Notes:

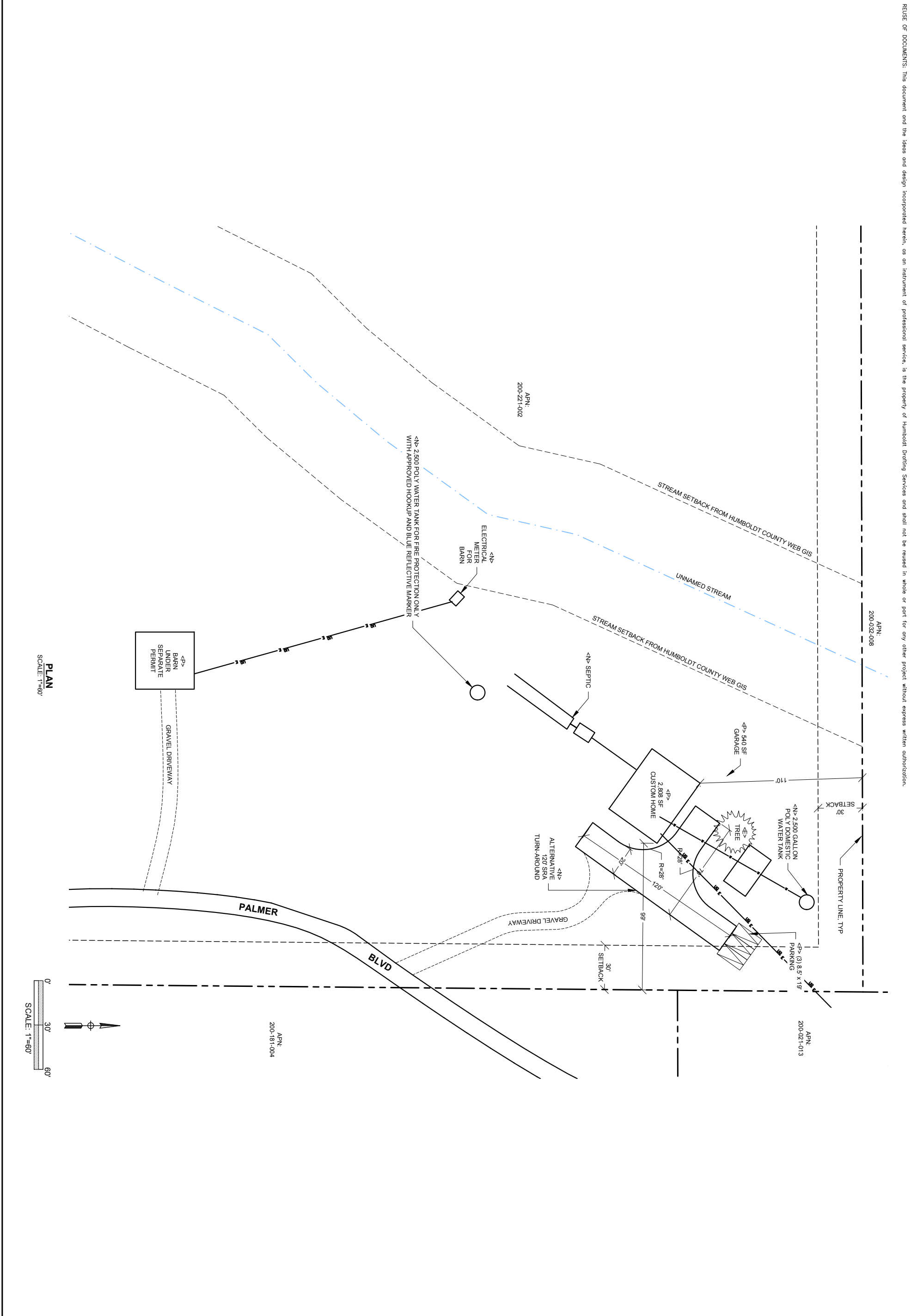
1. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS


Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. Building Curtilage (**Attached**)
3. Site Plan (**Attached**)
4. Sewage Disposal Plan (**Attached**)



PLAN
 SCALE: 1"=60'

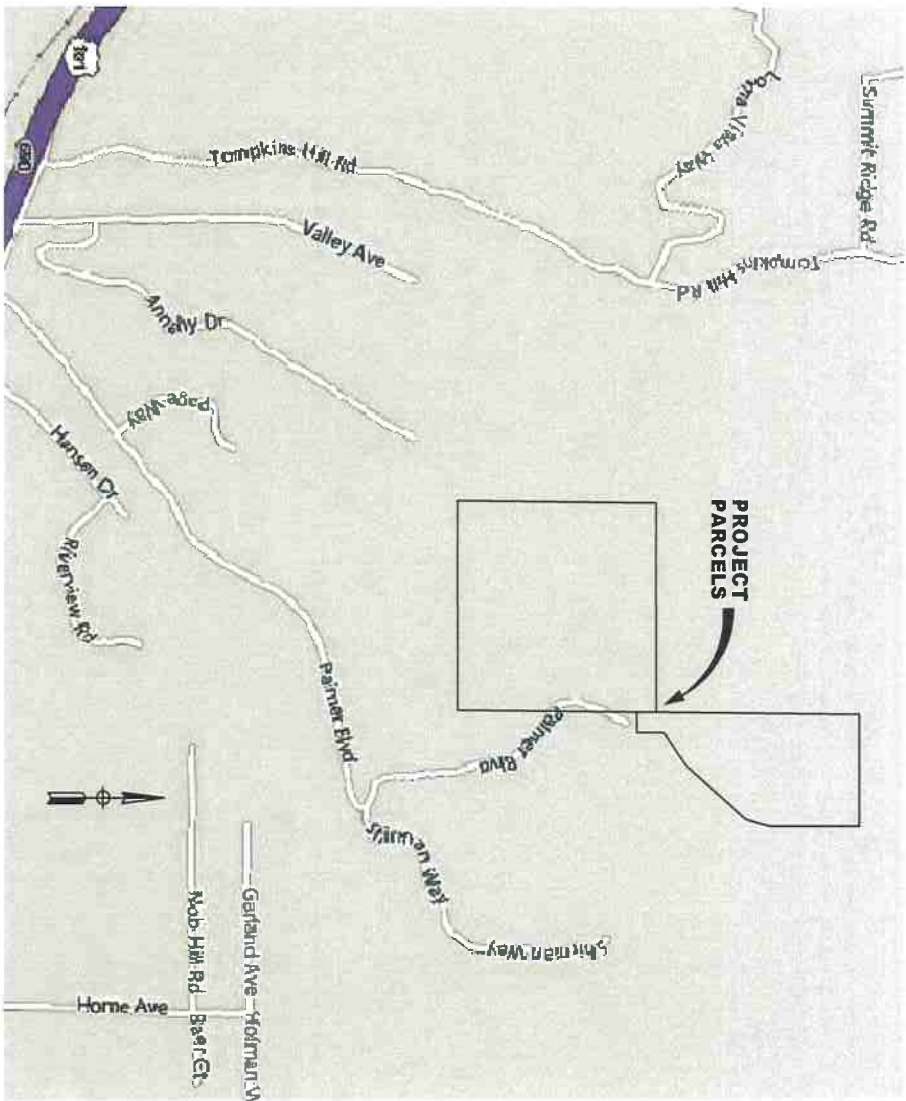
SCALE: 1"=60'

DRAWN: JDE CHECK: ND APPROVED: ND DATE: 10-14-2020 JOB NUMBER: 10.14.2020 SHEET: C1.0	1295 PALMER BLVD, FORTUNA, CA 95540 NEW HOUSE SITE PLAN	NO. HISTORY / REVISION BY CHK. DATE	 <p>(707) 601-1558 humboldtdraftingservices@yahoo.com</p>
	APN'S: 200-021-013 & 200-221-002	September 16, 2021	

NEW HOUSE

1295 PALMER BLVD. FORTUNA 95540

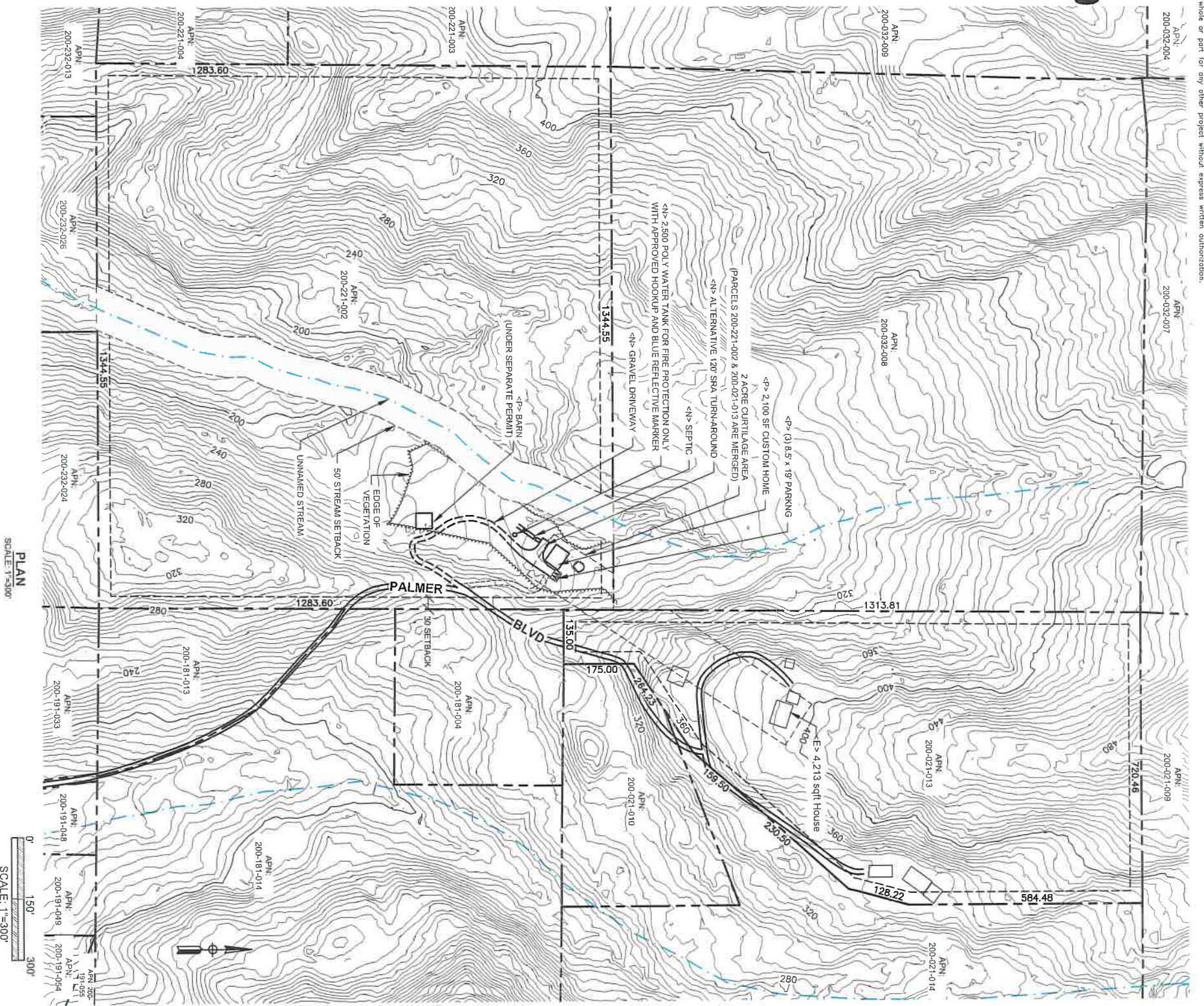
APN'S: 200-021-013 & 200-221-002



VICINITY MAP
 NOT TO SCALE

- NOTES:**
1. ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
 2. PROPERTY LINES ARE APPROXIMATE.
 3. CONTOURS SHOWN HEREON ARE FROM NOAA 2018 2019 WILDFIRE SHAPE FILES.
 4. IMAGE SHOWN HEREON IS FROM BING.
 5. NO TREES WILL BE REMOVED FOR THIS PROJECT.

OWNER INFORMATION:
 OWNER:
SITE INFORMATION:
 200-021-013
 19.24 ACRES
 ZONE: TPZ
 SRAYS
 200-221-002
 40 ACRES
 ZONE: TPZ
 SRAYS



PLAN
 SCALE: 1"=300'

SCALE: 1"=300'

1295 PALMER BLVD, FORTUNA, CA 95540 NEW HOUSE PLOT PLAN APN'S: 200-021-013 & 200-221-002		NO. HISTORY / REVISION		BY	CHK.	DATE
DRAWN: JDB CHECK: ND APPROVED: ND DATE: 10-14-2020 JOB NUMBER: 10.14.2020 SHEET:		G0.1		(707) 601-1558 humboldtdraftingservices@yahoo.com		

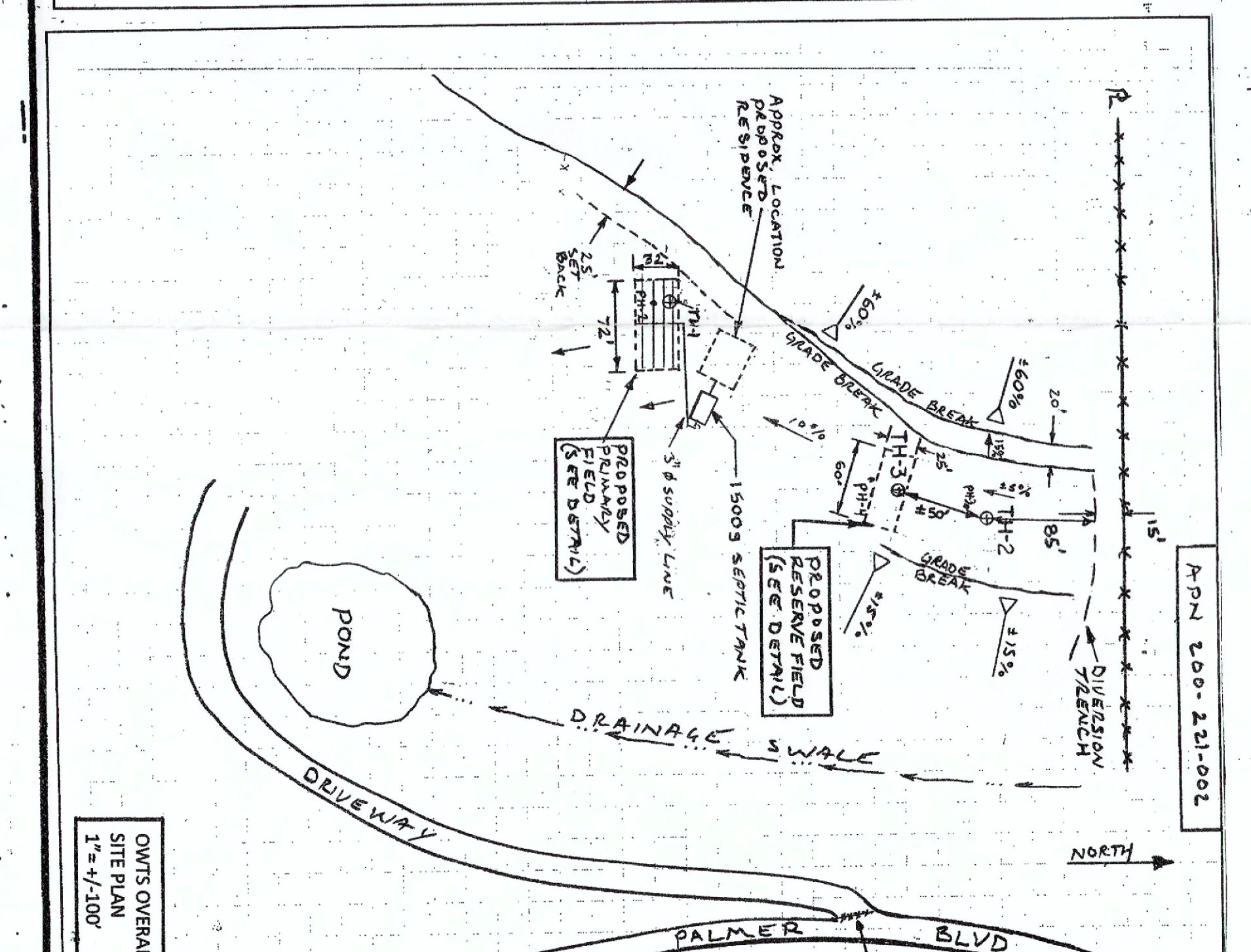
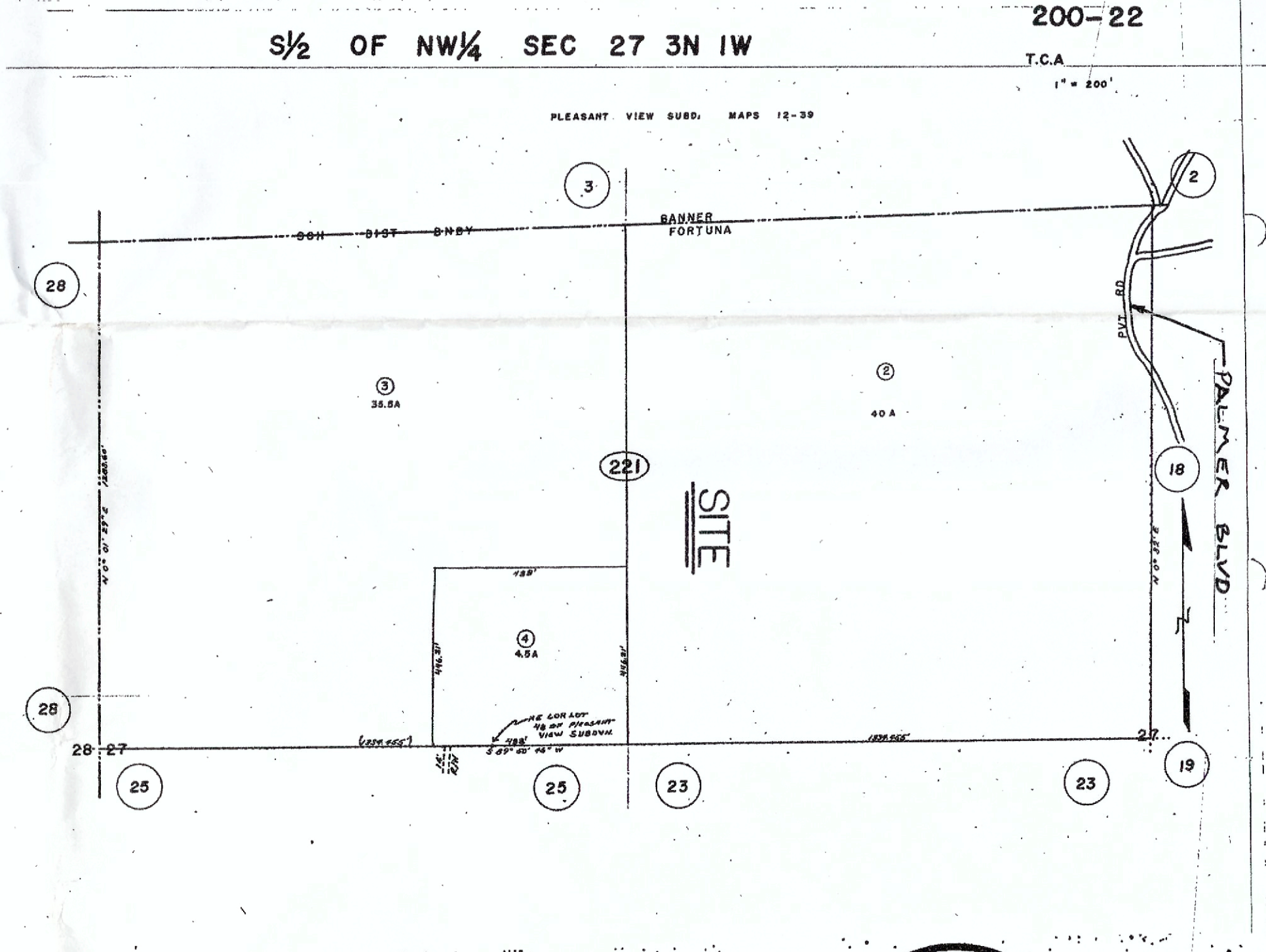
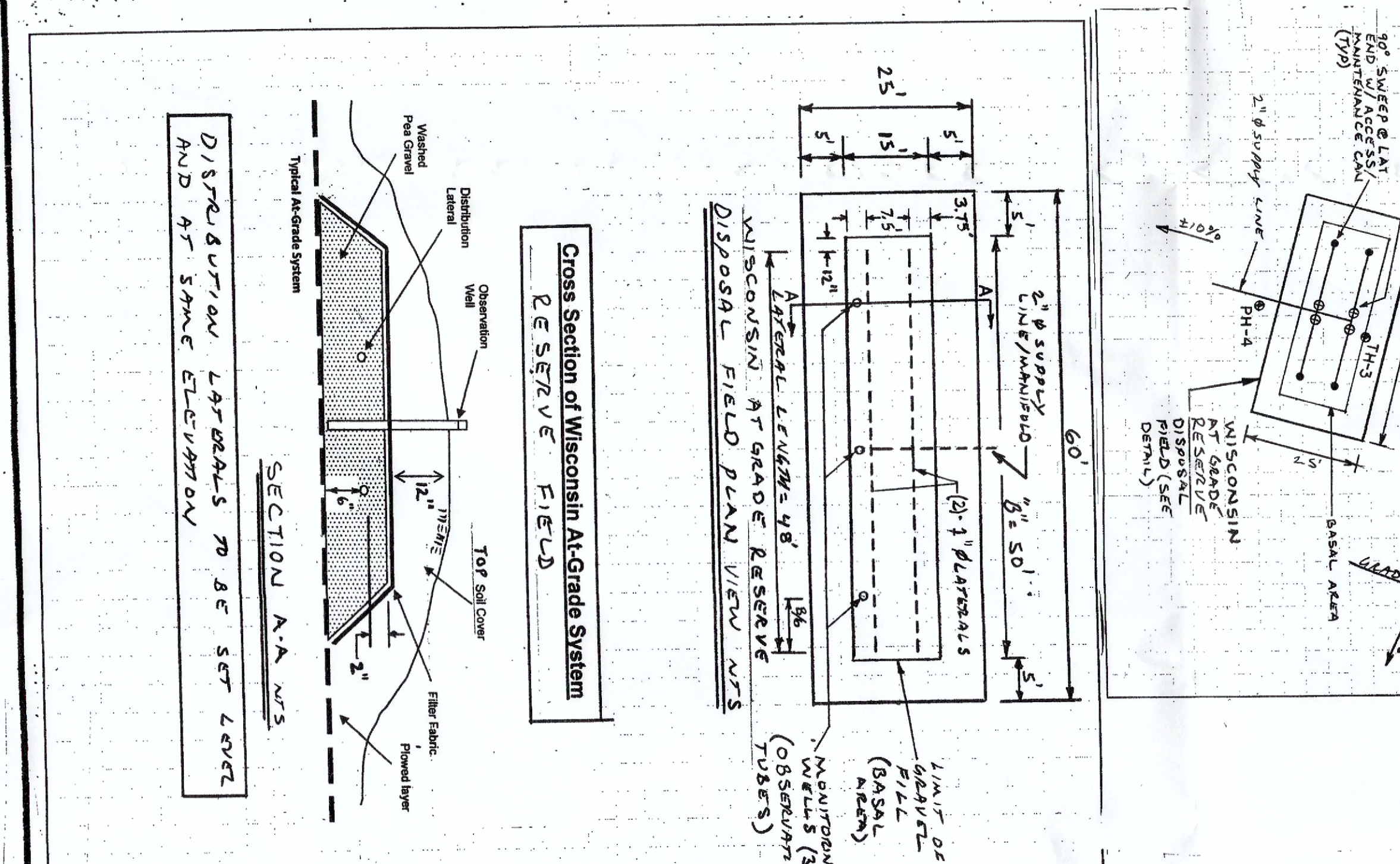
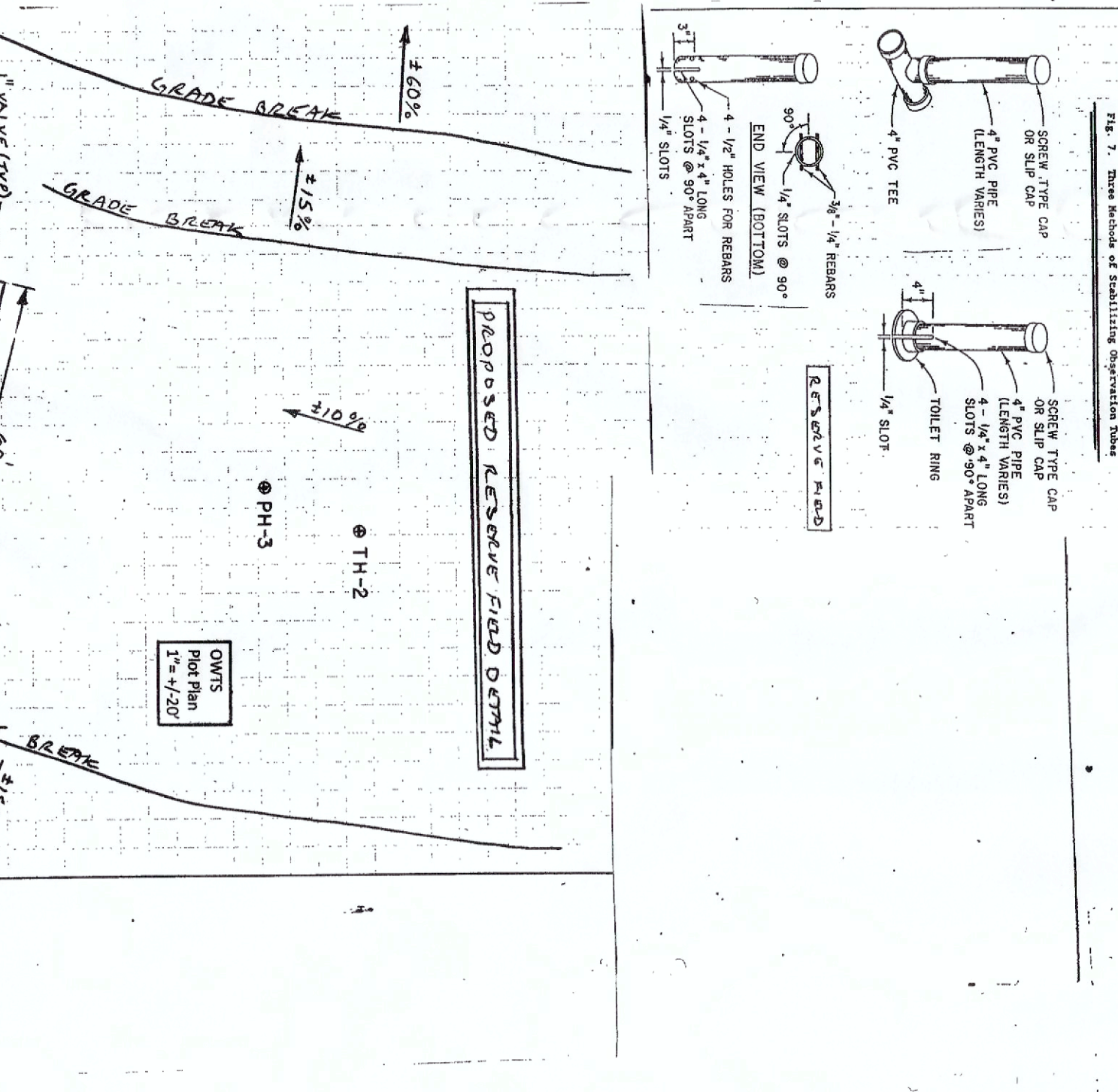
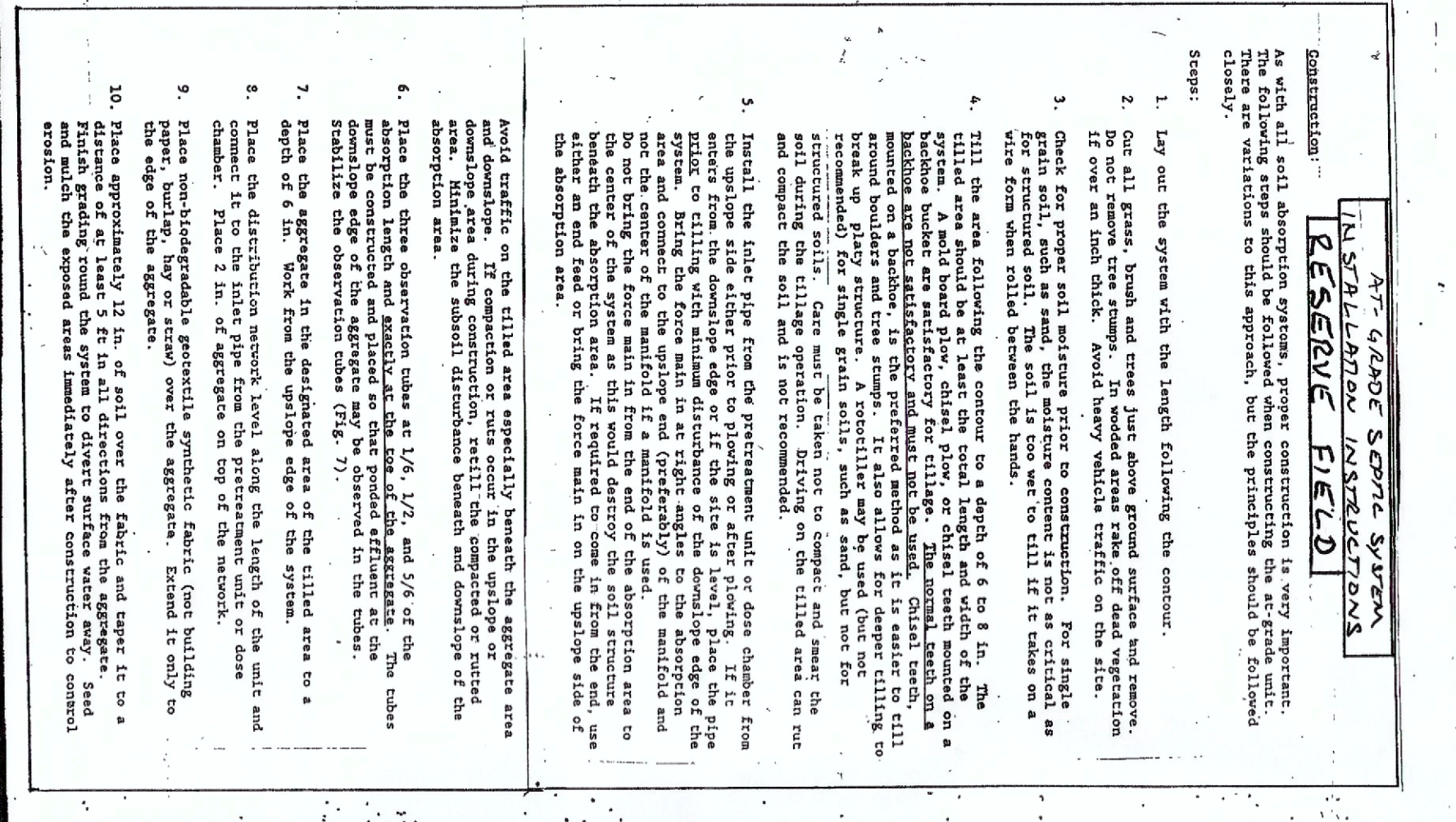
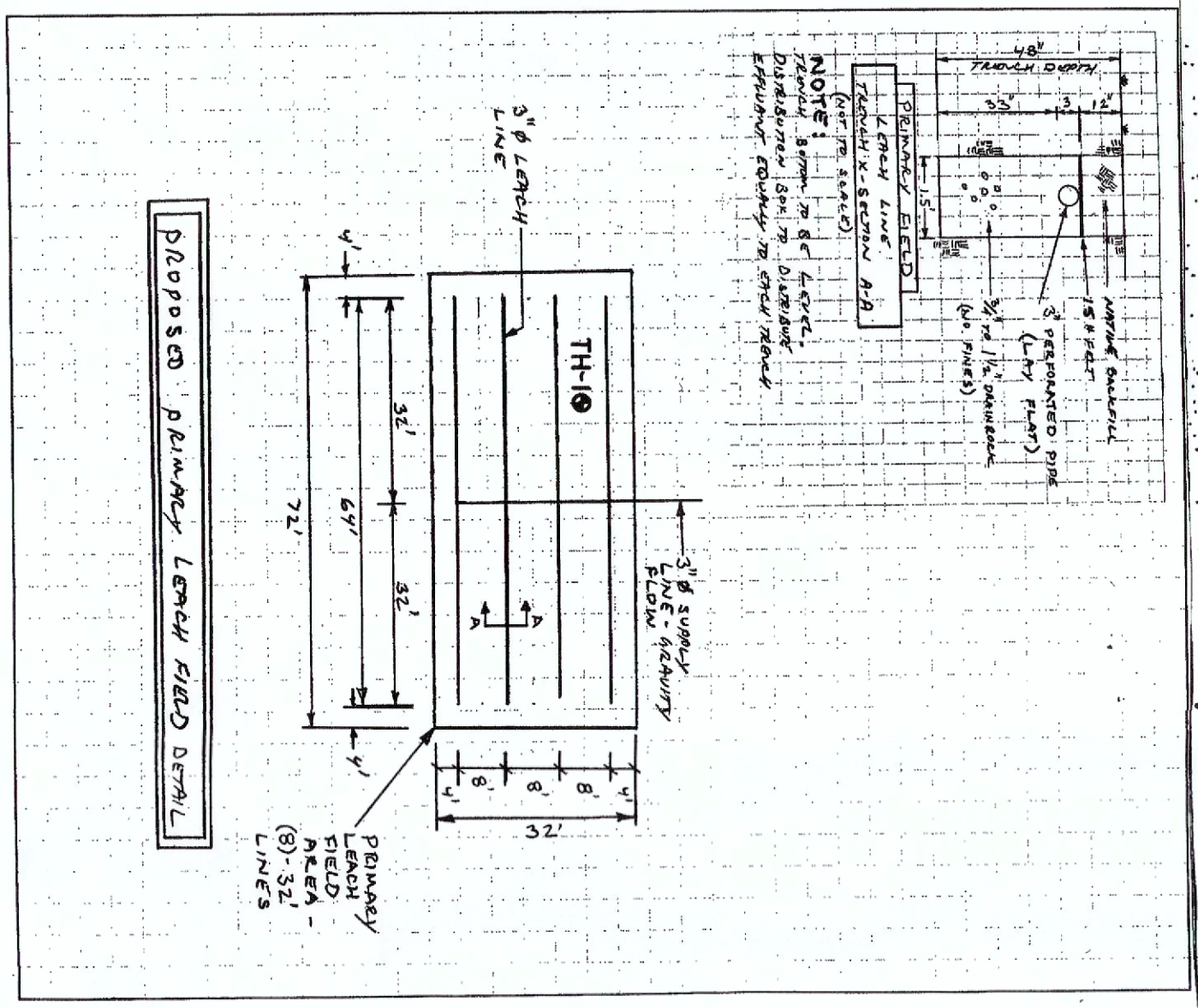
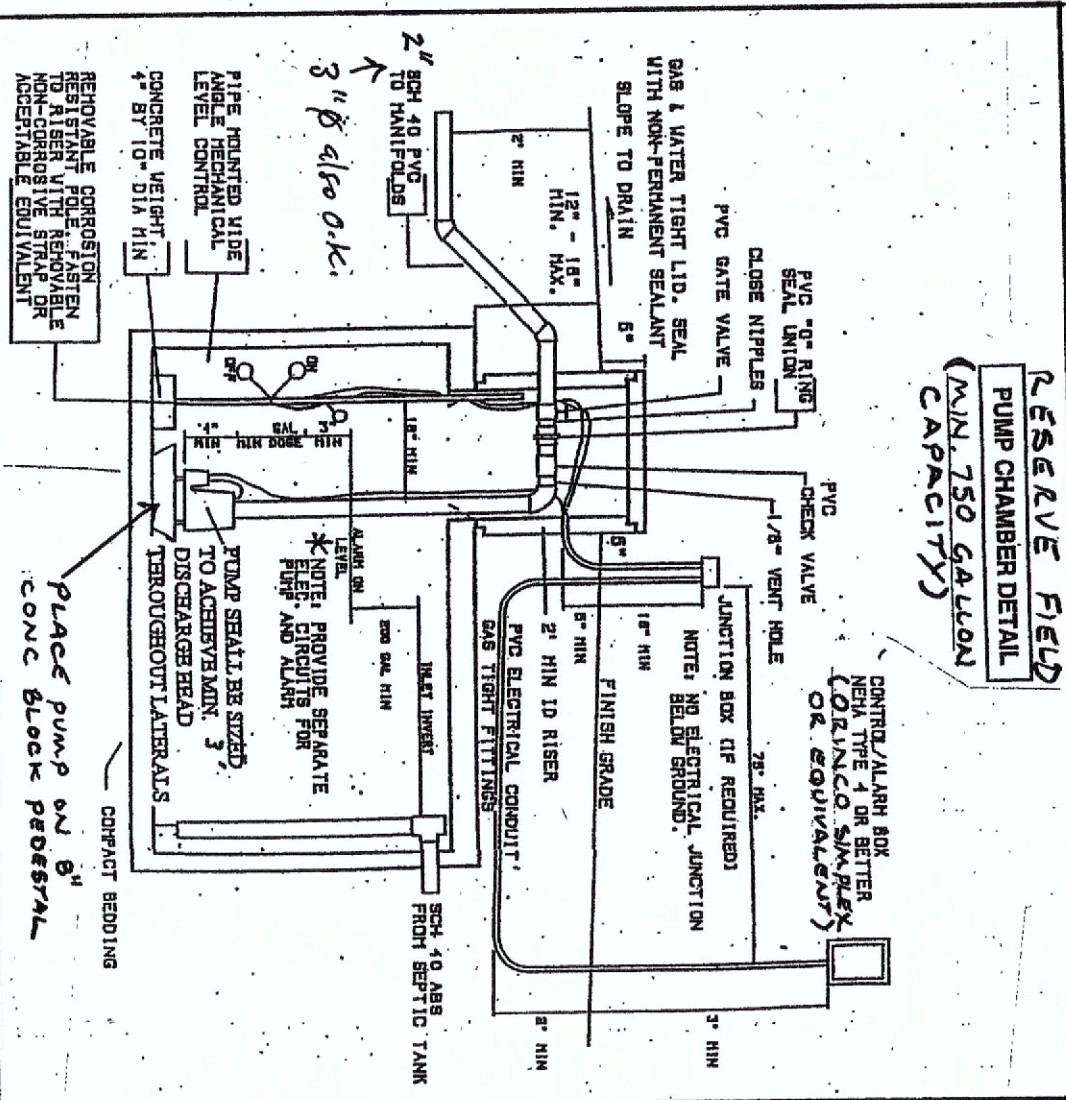
GENERAL NOTES

1. ALL CONSTRUCTION, MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE 2015 EDITION OF THE CALIFORNIA BUILDING CODE, 2015 EDITIONS OF THE CALIFORNIA ELECTRICAL AND FIRE CODES, AND ALL APPLICABLE THERMO, CLIMATE STRATEGIC PLAN & GREENING STANDARDS.
2. THE CONTRACTOR SHALL PROVIDE WORKMANSHIP COMPLETION INSURANCE & LIABILITY INSURANCE.
3. THE CONTRACTOR SHALL GUARANTEE ALL LABOR AND MATERIAL FOR A PERIOD OF ONE YEAR.
4. THE GENERAL CONTRACTOR SHALL VERIFY ALL THE SITE CONDITIONS AND DIMENSIONS BEFORE STARTING WORK. THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES.
5. FEATURES OF CONSTRUCTION SHOWN ARE TYPICAL AND SHALL APPLY GENERALLY THROUGHOUT SIMILAR CONDITIONS.
6. DETAILS SHOWN ON TYPICAL SEWER SYSTEM SHALL BE USED UNLESS OTHERWISE NOTED. OTHER SPECIFIC DETAILS ON STRUCTURAL DRAWINGS SHALL PRECEDE OTHER GENERAL NOTES, NOTES AND DETAILS ON THE STRUCTURAL DRAWINGS SHALL PRECEDE OTHER SPECIFICATIONS.
7. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. NO WARRANTY IS MADE AS TO THEIR ACCURACY.
8. ALL BUILDING MATERIAL SHALL BE NEW UNLESS OTHERWISE APPROVED OR SPECIFIED BY ENGINEER.
9. CONTRACTORS SHALL VERIFY READING OF PUBLIC OR PRIVATE FOR SEWER, WATER, ELECTRICAL, TELEPHONE, CABLE TV, AND GAS PRIOR TO STARTING CONSTRUCTION.
10. VERIFY ALL UTILITY DATA AND LOCATIONS PRIOR TO ANY WORK. ON-SITE UTILITIES SHALL BE COMPARED WITH THE APPROPRIATE AGENCY OR UTILITY COMPANY.
11. THE DESIGN CONSULTANTS ASSUME NO RESPONSIBILITY FOR THE PERFORMANCE OF PRODUCTS OR MATERIALS NOT SPECIFIED IN THESE DRAWINGS.
12. ACCEPT NO NEW OR PENAL CORRECTIONS TO THESE DRAWINGS WITHOUT THE OWNER'S REPRESENTATIVE INITIAL OR SIGNATURE. THE DESIGN CONSULTANTS SHALL BE HELD HARMLESS FOR ALL CHANGES NOT IN CONFORMANCE WITH THIS PROVISION.
13. ALL USERS OF THESE DRAWINGS AGREE BY USING THESE DRAWINGS TO HOLD THE DESIGN CONSULTANTS HARMLESS FOR ANY AND ALL WORK THAT DOES NOT CONFORM TO THE REQUIREMENTS AND MANUAL STANDARDS OF THE CALIF. ORDINANCES, AND ACCEPTABLE STANDARDS.
14. THESE DRAWINGS ARE THE PROPERTY OF THE DESIGN CONSULTANTS AND ARE NOT TO BE USED IN PART FOR ANY WORK OTHER THAN THE LOCATION SHOWN HEREON.
15. THE DESIGN CONSULTANTS SHALL HAVE NO CONTROL OR CHANGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES FOR ANY SAFETY PRECAUTIONS AND PROGRAMS IN CONFORMANCE WITH THE WORK.
16. THE CONTRACTOR SHALL COMPLY WITH ALL OF THE APPLICABLE REQUIREMENTS OF THE PERMITS, INCLUDING - STRONG OCCUPANCY, SAFETY AND HEALTH ACT (OSHA) OF 1970 AND ANY APPLICABLE THERMO. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION SHALL PROTECT ALL EXISTING UTILITIES, AND NOT BE HELD TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DETECT, NOTIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FOR ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT THE LIABILITY ASSUMED BY THE CONTRACTOR OF THE OWNER, THE ENGINEER OR THE HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS.
17. WHERE DIMENSIONS ARE SHOWN ON THE PLANS, THEY SHALL GOVERN OVER SCALE. IN THE EVENT OF CONSTRUCTION USE THE MOST STRINGENT APPROVED PROFESSIONAL ENGINEER'S DIMENSION.
18. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE THE PLANS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL VERIFY THE DESIGN PRIOR TO PROCEEDING WITH WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES SHOWN WILL BE REPORTED TO THE ENGINEER PRIOR TO PROCEEDING WITH WORK.
19. UPON COMPLETION OF THE PROJECT, THE CONTRACTOR AND SUBCONTRACTORS SHALL REMOVE ALL DEBRIS FROM THE SITE INCLUDING BUT NOT LIMITED TO BROKEN CONCRETE, STUBS, ROCKS, DEBRIS, ASPHALT RUBBLE, OVERCAST, ETC. AND LEGALLY DEPOSE OF SAME.
21. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SITE SAFETY REQUIREMENTS.
22. CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS ON OR ADJACENT TO PROPERTY. CONTRACTOR SHALL REPAIR OR REPLACE ALL EXISTING IMPROVEMENTS TO THE SATISFACTION OF THE HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS OR PRIVATE PROPERTY OWNER INVOLVED.

SPECIAL INSPECTION

All structural and earth-work inspections shall meet the requirements of the current California Building Code and County of Humboldt Environmental Health Department guidelines / requirements.

The siting/installation of the on-site sewage disposal system shall be inspected/approved by personnel from the Humboldt County Dept. of Environmental Health, including approval of any import fill material to be placed in the vicinity area of the proposed sewage disposal system.



ON-SITE SEWAGE DISPOSAL DESIGN
 1295 Palmer Boulevard Fortuna California APN 200-221-002
SEWAGE DISPOSAL SITE PLAN
 For: Phil Leavitt 969 Elizabeth Barcus Way, Fortuna California

WHITCHURCH ENGINEERING, INC.
 610 9th Street Fortuna, California 95540 Phone (707) 725-6628

NO. 4850

REVISIONS BY

4-7-20	TOK

RECEIVED
 APR 13 2021
 Humboldt County Planning Division

ATTACHMENT 3

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
CALFIRE	✓	Approval	On File
FPD Fortuna	✓	Condition of Approval	On File
NWIC	✓	Condition of Approval	On File
City of Fortuna			
Environmental Health			
NCUAQMD			
PW Land Use Division			
Building Inspections			
NCRWQCB			
CDFW			
DWR			
Bear River Band			
Wiyot Tribe			
PG&E			